



05-00003

AF/3727

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/972,575 ✓	
	Filing Date	October 5, 2001	
	First Named Inventor	Joseph C. Walsh et al.	
	Group Art Unit	3727	
	Examiner Name	Tri M. Mai	
Total Number of Pages in This Submission	5	Attorney Docket Number	PP 5.78(a) CVL

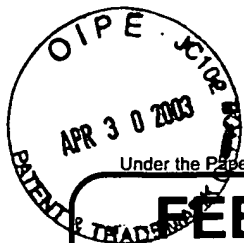
ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Postcard for return by the PTO.
Remarks		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael A. Goodwin, Esq.
Signature	
Date	April 30, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Label No. EV 106958756 US addressed to: Commissioner for Patents, Washington, DC 20231 on this date: April 30, 2003			
Typed or printed name	Kalyn Black		
Signature		Date	April 30, 2003

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PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)-0-

Complete if Known

Application Number	09/972,575
Filing Date	October 5, 2001
First Named Inventor	Joseph C. Walsh et al.
Examiner Name	Tri M. Mai
Art Unit	3727
Attorney Docket No.	PP 5.78(a) CVL

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

11-1150

Klaas, Law, O'Meara & Malkin, P.C.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)-0-

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims	22	-27** =	0	X	\$18.00	=	
Multiple Dependent	6	-6** =	0	X	\$84.00	=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)-0-

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)-0-

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Michael A. Goodwin, Esq.	Registration No. (Attorney/Agent)	32,697	Telephone	(303) 298-9888
Signature		Date	April 30, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of :)
Joseph C. Walsh, et al.)
Serial No.: 09/972,575) Group Art Unit: 3727
Filed: October 5, 2001) Examiner: Tri M. Mai
For: CARTON BLANK, CARTON AND) Atty Dkt. PP 5.78(a) CVL
METHOD OF FORMING THE)
CARTON)

better

10

5/11/03
Bross

REQUEST FOR CORRECTED OFFICE ACTION

To: Assistant Commissioner for Patents
Washington, D.C. 20231

On April 28, 2003, applicants received a final Office action mailed April 23, 2003, in the above-referenced application. In the final Office action, the Examiner applies several new references against applicants' claims. The Examiner, however, did not include a Notice of References Cited (PTO-892) with the final Office action and at least some of the references applied were not previously made of record in the present application. More specifically, at least the following U.S. patents are applied by the Examiner against applicants' claims but are not of record in the application:

5,314,114
2,412,141
2,434,756
3,168,233

Although applicants have been able to secure copies of these references, it is noted that the Examiner (in paragraph 5 of the final Office action) applies U.S.

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S.N. 09/972,575
Art Unit 3727
Atty Dkt PP5.78(a)CVL

Patent No. 2,412,141 and identifies this reference as "Carr". The actual inventor of U.S. Patent No. 2,412,141, however, is "Ford" and not "Carr". Furthermore, the '141 patent does not appear have any relevance, whatsoever, to applicants' claimed invention. Accordingly, it appears that the Examiner's citation, in paragraph 5 of the final Office action is in error.

In view of the above, applicants require clarification before responding to the outstanding final Office action. Accordingly, applicants hereby respectfully request that a corrected Office action be issued (including a proper citation of the references applied) and that the statutory period for response be restarted as set forth in MPEP 710.06.

Respectfully submitted,
KLAAS, LAW, O'MEARA & MALKIN, P.C.

By 

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Date: April 30, 2003